

DEO Subcommittee Proposal for Changes to Salary Setting Process. Meeting August 24, 2007.

The City Attorney's Office has reviewed proposed language for a ballot measure to improve the process of salary setting for elected officials in the City of San Diego.

We note this is a subject legally unrelated to other "Strong Mayor" measures under consideration. If the matter is submitted to the voters, it should be the subject of a separate ballot measure.

This preliminary report should not be construed as an endorsement of this proposed ballot measure, its legal validity, or the propriety of the subcommittee's consideration of the manner in which the City Attorney's salary is currently set. Any language provided is for discussion only.

Staff suggests the following changes to existing sections in a memo dated August 11, 2007.

"SECTION 12.1. COUNCILMANIC SALARIES OF CITY OFFICERS.

On or before February 15 of every even year, the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the salaries of ~~members of the Council~~ **all City officers** for the period commencing July 1 of that even year and ending two years thereafter. The **Mayor and Council** ~~may~~ **shall** adopt the salaries by ordinance as recommended by the Commission, ~~or in some lesser amount, but in no event may it increase the amount.~~ The ordinance shall be subject to the referendum provisions of this Charter and upon the filing of a sufficient petition, the ordinance shall not become effective and shall be repealed by the Council or shall forthwith be submitted to a vote of the people at the next general statewide election. **In recognition of the need for an independent process for establishing the salaries of City officers, this section shall not be subject to the provisions of Charter section 11.1. For the purposes of this section, the term "City officers" shall include the Mayor, City Attorney and each member of the Council.**

(Addition voted 11-06-73; effective 12-07-73.)"

"SECTION 40. CITY ATTORNEY.

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The salary of the City Attorney shall be fixed ~~by~~ **in** the ~~Council and~~ **manner** set forth in the ~~annual appropriation ordinance~~ **section 12.1**, provided that the salary of the City Attorney may not be decreased during a term of office, but in no event shall said salary be less than \$15,000.00 per year."

"SECTION 41.1. SALARY SETTING COMMISSION.

There is hereby created a Salary Setting Commission consisting of seven members who shall be appointed by the ~~Civil Service Commission~~ **Mayor and confirmed by the Council** for a term of four years. ~~The first members shall be appointed for a term commencing January 1, 1974.~~ Initially, the Commissioners shall be appointed in a manner so that three are appointed for two-year terms and four are appointed for four-year terms. The Salary Setting Commission shall ~~recommend to the Council the enactment of an ordinance establishing salaries for the Mayor and Council~~ **act as** provided by **section 12.1** of this Charter. The Council shall provide the funds

necessary to enable the Commission to perform its duties. The Civil Service Commission in its appointments shall take into consideration sex, race and geographical area so that the membership of such Commission shall reflect the entire community.

(Addition voted 11-06-73; effective 12-07-73.)"

City Attorney modifications for discussion.

Section 12.1: Councilmanic Salaries of Elected Officials

On or before February 15 of every even year, the Salary Setting Commission shall recommend to the Mayor and Council the enactment of an ordinance establishing or modifying the salary of all elected City Officials ~~members of the Council~~ for the period commencing July 1 of that even year and ending two years thereafter. The Council shall ~~may~~ adopt those salaries by ordinance as recommended by the Commission, ~~or in some lesser amount, but in no event may it increase the amount.~~ The ordinance adopting the salaries of elected officials shall be separate from the City's Salary Ordinance and shall not be subject to any veto provision of Article XV. The ordinance shall be subject to the referendum provisions of this Charter and upon the filing of a sufficient petition, the ordinance shall not become effective and shall be repealed by the Council or shall forthwith be submitted to a vote of the people at the next general statewide election. Until an ordinance establishing or modifying the salaries of elected City officials takes effect, the officials shall continue to receive the same annual salary received previously. This section shall not be subject to the provisions of section 11.1.

[repealed]

Section 24.1: Mayor's Salary

~~On or before February 15 of every even year, the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the Mayor's salary for the period commencing July 1 of that even year and ending two years thereafter. The Council shall adopt the salary by ordinance, as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. The ordinance shall be subject to the referendum provisions of this Charter and upon the filing of a sufficient petition, the ordinance shall not become effective and shall be repealed by the Council or shall forthwith be submitted to a vote of the people at the next general statewide election.~~

Section 40: City Attorney

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The salary of the City Attorney shall be fixed as provided in section 12.1 ~~by the Council~~ and set forth in the annual appropriation ordinance, except ~~provided that the salary of the City Attorney may not be decreased during~~

a term of office, and but in no event shall said salary be less than \$15,000.00 per year.

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Section 41.1: Salary Setting Commission

There is hereby created a Salary Setting Commission consisting of seven members who shall be appointed by the Civil Service Commission [Mayor and confirmed by the Council] for a term of four years. The Commission shall consist of the following persons: (1) Three public members, one of whom has expertise in the area of compensation, such as an economist, market researcher, or personnel manager; one of whom is a member of a nonprofit public interest organization; and one of whom is representative of the general population and may include, among others, a retiree, homemaker, or person of median income. No person appointed pursuant to this paragraph may, during the 12 months prior to his or her appointment, have held public office, either elective or appointive, have been a candidate for elective public office, or have been a lobbyist, as defined by the Political Reform Act of 1974. (2) Two members who have experience in the business community, one of whom is an executive of a large corporation incorporated in this State, and doing business in this City and one of whom is an owner of a small business in this City. (3) Two members, each of whom is an officer or member of a labor organization. The Civil Service Commission [Mayor] shall strive insofar as practicable to provide a balanced representation of the geographic, gender, racial, and ethnic diversity of the City in appointing commission members. The first members shall be appointed for a term commencing January 1, 1974. Initially, the Commissioners shall be appointed in a manner so that three are appointed for two-year terms and four are appointed for four-year terms.

The Salary Setting Commission shall recommend to the Council the establishment and modification ~~enactment of an ordinance establishing~~ salaries for all elected officials ~~the Mayor and Council~~ as provided in section 12.1 of ~~by this Charter~~. The City Manager shall provide from existing resources the staff and services ~~Council shall provide the funds~~ necessary to enable the Commission to perform its duties. The Commission shall consider in establishing or modifying the annual salary for elected officials the following factors, including but not limited to:

- (1) The elected official's responsibility and scope of authority, and the amount of time directly or indirectly related to the performance of the duties, functions, and services of the office.
- (2) The annual salary of other elected and appointed municipal officials with comparable responsibilities in this and other states.
- (3) The benefits package accompanying the City office.
- (4) Comparable data including the Consumer Price index, rates of inflation.
- (5) The relative cost of living in the City and the establishment of salaries adequate to attract sufficiently qualified candidates.

1000 The Civil Service Commission in its appointments shall take into consideration sex, race and geographical area so that the membership of such Commission shall reflect the entire community.